

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHARLES COMBS & K. J. WOODRUFF)	
COMPLAINANTS)	
)	
VS.)	CASE NO. 10132
)	
JESSAMINE COUNTY WATER DISTRICT #1)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

Jessamine County Water District ("Jessamine County") is hereby notified that it has been named as Defendant in informal complaints filed on February 19, 1987, and June 5, 1987, respectively. Copies of each are attached hereto. Staff has recommended and the Commission finds that further investigation is needed and that a formal case should be established because a satisfactory resolution could not be made in our informal complaint process.

Pursuant to 807 KAR 5:001, Section 12, Jessamine County is HEREBY ORDERED to satisfy the matters complained of or to file a written answer to the complaint by February 8, 1988.

IS IS FURTHER ORDERED That the informal complaint file be and it hereby is made part of the public record.

Done at Frankfort, Kentucky, this 25th day of January, 1988.

PUBLIC SERVICE COMMISSION

Richard D. Ideman, Jr.
Chairman

Robert M. Davis
Vice Chairman

James W. Williams
Commissioner

ATTEST:

EXECUTIVE DIRECTOR

Interior Specialties, Inc.

P. O. BOX 728 NICHOLASVILLE, KENTUCKY 40356
(606) 885-3398

RECEIVED

FEB 25 1987

PUBLIC SERVICE COMMISSION
CONSUMER SERVICES

February 19, 1987

Public Service Commission
Consumer Service Section
P.O. Box 615
Frankfort, Kentucky 40602
ATTN: Consumer Service Section

RE: Jessamine County Water District No.1

Dear Consumer Commissioner:

I have three (3) units of office and warehouse spaces located at Bluegrass Industrial Park In Jessamine County.

One unit has seven (7) offices, one has six (6) offices and the other has five offices. The only water that is used is for a two piece bathroom in each office with one exception being one office has two ice machines.

I have one (1) water meter for each building and it is supplied by Jessamine County Water District No.1

The units are never 100% full. We average two (2) vacancies per unit at all times. We are being charged for every office which means we are paying \$12.55 plus tax for each one although some have been vacant for six (6) months.

We feel we should only be charged for the offices that are rented. We have tried to work with the water company by offering to call each month to let them know how many offices are being used. This offer was refused.

We want to be fair but it seems the water bills have gotten out of line.

Thank you for your cooperation in helping in this matter.

Sincerely,



Charles Combs

IT/ja

cc: Jessamine Water District No.1
William Neal Cassity

LAW OFFICES

GESS MATTINGLY SAUNIER & ATCHISON

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WILLIAM B. GESS
(1906-1985)

JACK F. MATTINGLY
STANLEY M. SAUNIER, JR.
JOHN G. ATCHISON, JR.
C. RICHARD DOYLE
CHARLES L. CALK
CHARLES G. WYLIE
NATALIE S. WILSON
JOSEPH H. MILLER
RICHARD E. FITZPATRICK
WILLIAM W. ALLEN
WILLIAM R. HILLIARD, JR.
GUY M. GRAVES
LESLIE G. PHILLIPS
CHARLES E. CHRISTIAN
WINIFRED L. BRYANT
WALTER R. MORRIS, JR.
WILLIAM A. SAUSCH
REBECCA KATHRYN JUDE
WILLIAM A. REES
LINDA W. COVINGTON

June 5, 1987

FILE COPY

Howard Downing, Esq.
109 South Third Street
Nicholasville, Kentucky 40356

Re: Jessamine County Water District No. 1

Dear Mr. Downing:

Pursuant to your request in our telephone conversation of June 3, I am writing this letter for the purpose of discussing K. J. Woodruff's complaint against the Jessamine County Water District No. 1. Thank you for sending a copy of Mr. Woodruff's contract so promptly.

As you know, Mr. Woodruff purchased one water meter to service his warehouse located at 3003 Park Central Avenue. Since our telephone conversation, I have had the opportunity to speak with Mr. Woodruff to learn what conversation he had with the employee(s) of Water District No. 1 at the time that he purchased the water meter in question. It is my understanding that Mr. Woodruff told the employee who assisted him that he was purchasing the water meter for a warehouse that was being rented out to several different tenants. Mr. Woodruff recalls that the employee told him that he would be restricted from "giving water away." Mr. Woodruff then asked the employee to explain what that restriction meant, as he did not understand why anyone would give water away. The employee stated that the rule meant that if a farmer, for instance, came up to the warehouse and wanted some water, he could not give any water away to that farmer. This explanation obviously did not make it clear to Mr. Woodruff that he could not allow his tenants to use the water without a direct charge to each of them from the water company. Mr. Woodruff was informed that he would be charged a minimum of \$12.50 per month for any water used up to 3,000 gallons, and that he would be billed extra if he used an amount in excess of 3,000 gallons. When Mr. Woodruff later received a bill for approximately \$75.00, he immediately went to the office of Water District No. 1 to see what was the cause of the large bill. It was then that he learned he was being charged the minimum monthly \$12.50 assessment for each rental unit within his warehouse, even though he has only one meter. Mr. Woodruff was then given a copy of the rules and regulations for multiple units and trailer courts (see copy enclosed), which was presumably the basis for the water company's charge.

DESS MATTINGLY SAUNIER & ATCHISON

Howard Downing, Esq.
June 5, 1987
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It is Mr. Woodruff's position that he did not receive an adequate explanation or other notice that would enable him to make an informed decision as to whether to purchase several water meters and let each renter pay for his own water directly or purchase one water meter and figure in the minimum charge as an element in setting the amount of rent per unit.

In any event, after reading the rule and regulation upon which the water district allegedly based its fee assessments, it is my interpretation that this regulation is applicable only to housing units. Since Mr. Woodruff's warehouse is not a housing unit, I do not feel that this regulation is applicable.

I certainly hope that we can reach some kind of agreement to resolve this matter without the necessity of incurring unnecessary attorney's fees. If it is impossible for us to resolve this matter, please let me know when a meeting of the Public Service Commission can be set up so that Mr. Woodruff can present his arguments concerning this matter.

I will look forward to hearing from you.

Sincerely,

Linda W. Covington

LWC:403
Enclosure

317HD/LT